

Application S/N 10/701,749
Amendment Dated: February 12, 2007
Response to Office Action dated: September 5, 2006

CE11700JEM

REMARKS/ARGUMENTS

Claims 1-10, 12-22 and 24-36 remain pending in the application, as claims 11 and 23 were previously canceled without prejudice. In the Office Action, claims 29-35 were rejected under 35 U.S.C. 101. In response, Applicants have amended claim 29 to clarify that the programming instructions are stored on a machine readable storage and request that the rejection be withdrawn. Moreover, claims 1, 15, 29 and 36 were rejected under 35 U.S.C. 112, first paragraph. Applicants have deleted the language in question from the claims and request that the rejection be withdrawn.

Also in the Office Action, claims 1-3, 13, 15-17, 26, 29, 33 and 36 were rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Application Publication No. 2002/0169008 to Hiben, et al. (Hiben) in view of U.S. Patent Application Publication No. 2004/0102219 to Bunton, et al. (Bunton). Further, claims 4, 5, 8, 18, 19, 24 and 31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,427,072, to Reichelt (Reichelt). Claims 6 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent Application Publication No. 2004/0121767 to Simpson, et al. (Simpson).

Further, claims 7, 12, 21, 25 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton and further in view of U.S. Patent No. 6,385,469 to Alperovich, et al. (Alperovich), and claims 9, 10, 22 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hiben in view of Bunton in view of Reichelt and further in view of U.S. Patent Application Publication No. 2002/0086718 to Bigwood, et al. (Bigwood). Claims 14, 27, 28, 34 and 35 were rejected under 35 U.S.C.

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103(a) as being unpatentable over Hiben in view of Bunton and further in view of well-known prior art under MPEP 2144.03, which the Examiner contends is supported by U.S. Patent No. 5,705,980 to Shapiro (Shapiro).

Independent claim 1 has been amended by clarifying that the low power mode still supports message exchange of the device but disables or alters features of the device not necessary to the operation of the device. Independent claims 15, 29 and 36 have been similarly amended. Support for the amendment can be found on page 6, lines 13-16 and page 15, lines 1-6. No new matter has been added. Hiben does not contemplate such a concept, as Hiben merely shifts switches between low and high power decoding modes in response to messages being transmitted that cannot fit within the control sub-channels (see paragraph 0015). That is, no features of the receiving device that are not necessary for operation of the device are disabled or altered. Decoding messages, whether in a low or high power mode, is a process that is necessary for operation of the receiving device.

Bunton does not read on the claimed subject matter because the system in Bunton calls for suspension of transmissions of the remotely-controlled mobile stations when power consumption is to be minimized (see paragraph 0137). That is, the low power mode in Bunton does not support message exchange.

In view of the above, Applicants submit that the above claims are now patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

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No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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